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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

MATTEO BRUNOZZI, an individual,

Plaintiff,

v.

CABLE COMMUNICATIONS, INC., a
foreign corporation,

Defendants.

Case No. 3:14-cv-1131

**DEFENDANT'S NOTICE OF REMOVAL
OF ACTION UNDER 28 U.S.C. § 1441
(FEDERAL QUESTION AND
DIVERSITY)**

TO THE CLERK OF THE COURT:

PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. §§ 1331, 1332, 1441, and 1446, Defendant Cable Communications, Inc. ("CCI") hereby removes to this Court the case now pending in the Circuit Court of Multnomah County, Oregon styled as *Matteo Brunozzi v. Cable Communications, Inc.*, Case No. 14CV06172 ("State Lawsuit"). As grounds for removal, Defendant CCI states as follows:

1. On or about June 2, 2014, Plaintiff Matteo Brunozzi ("Plaintiff") filed a civil complaint ("Complaint") against Defendant Cable Communications, Inc. ("CCI") in the State Lawsuit. Pursuant to 28 USC §1446(a), all state court papers served on Defendant at the time of removal, consisting of the Summons, Complaint, and Plaintiff's First Request for Production of Documents, are attached as Exhibit A.

2. On June 18, 2014, Plaintiff served the Summons and Complaint on CCI by delivering copies to CCI's office in Portland, Oregon. This Notice of Removal is timely filed under 28 U.S.C. § 1446(b), which provides that a notice of removal must be filed within 30 days after service of process was first completed on Defendant.

3. No further proceedings have been had in the Circuit Court of Multnomah County, Oregon, as of the date of filing of this removal.

4. This is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1332, and is one which may be removed to this Court pursuant to 28 U.S.C. § 1441 because the action involves a controversy between citizens of different states and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

5. On information and belief, Plaintiff Matteo Brunozzi was, when he filed his Complaint, and is now, a citizen and resident of the State of Oregon.

6. Defendant CCI was, when Plaintiff filed his Complaint, and is now, a corporation incorporated under the laws of Nevada with its principal place of business in Valdosta, Georgia.

7. Plaintiff alleges money damages in an amount greater than \$75,000, exclusive of interest and costs. (*See Complaint*, Prayer for Relief.)

8. This Court also has original jurisdiction under 28 U.S.C. § 1331, and this action may be removed pursuant to 28 U.S.C. § 1441(b) in that it is founded on a claim or right arising

under the laws of the United States. Specifically, one of Plaintiff's claims is based on the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201-219 ("FLSA").

9. Plaintiff's remaining state law claims are transactionally related, or supplemental, to Plaintiff's FLSA claim because they arise out of a common nucleus of operative facts.

10. Pursuant to 28 USC §§ 1331, 1332, 1441, and 1446, removal of the above-captioned state court action to this Court is appropriate.

11. Promptly after filing this Notice, CCI will serve a copy upon Plaintiff and will file a copy with the Clerk of the Circuit Court of Multnomah County, Oregon.

12. This Notice is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

SIGNED: July 16, 2014

FISHER & PHILLIPS LLP

/s/ Mitchell C. Baker

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **DEFENDANT'S NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1441** as indicated below on:

Multnomah County Circuit Court
Attn: Clerk of the Court
1021 SW 4th Avenue
Portland, OR 97204-1123

VIA REGULAR MAIL

Leslie E. Baze
Schuck Law, LLC
10013 NE Hazel Dell Avenue, #178
Vancouver, WA 98685
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Attorney for Plaintiff

■ **Electronic Filing via the CM/ECF System**

- ☐ **Fax and Mail:** by faxing to the attorney at the fax number as above stated, which is the last-known fax number for the attorney's office, on the date set forth below; and by mailing a full, true, and correct copy in a sealed envelope with postage prepaid thereon, addressed as above stated, which is the last known address of the attorney, and depositing it with the United States Postal Service at Portland, Oregon, on the date set forth below.
_____ **Plus E-mail***
- ☐ **Regular or Priority Mail:** by mailing a full, true, and correct copy thereof in a sealed envelope with postage prepaid thereon, addressed as above stated, which is the last-known office address of the attorney, and {check one that applies}:
 - ☐ Depositing it with the United States Postal Service at Portland, Oregon, on the date set forth below. _____ **Plus E-mail***
 - ☐ Sending it via priority mail service on the date set forth below. ____ **Plus E-mail***
- ☐ **Hand-Delivery:** by causing a full, true and correct copy thereof to be hand-delivered to the attorney at either the attorney's last known office address as above stated, on the date set forth below, or at another location where the attorney is known to be, on the date set forth below. _____ **Plus E-mail***

*E-mail: Where checked above, e-mail was effected by causing a full, true and correct copy thereof to be transmitted to the attorney in WordPerfect or Word format via electronic correspondence to the attorney's last-known e-mail address in accordance with United States District Court Local Rule 5.2(b).

SIGNED: July 16, 2014

/s/ Mitchell C. Baker
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